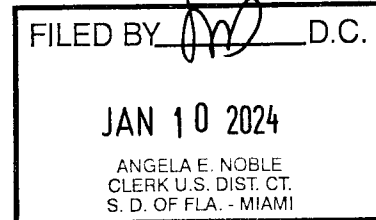


ANSWER

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO: 23-cv-22376-KMW-LMR



JUDGE: KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE

THE SMILEY COMPANY SPRL,
Plaintiff
Vs.
Shop-Stick-dat
280

Defendant
DEFENDANT'S ANSWER

1.Complaint is Denied: The Defendant denies the allegations presented in the first paragraph of the complaint. The Defendant asserts no involvement in promoting, selling, reproducing, offering for sale, or distributing goods using counterfeits or confusingly similar imitations of the Plaintiff's trademarks and copyrighted works. The Defendant further denies operating under the seller identification names listed in Schedule "A" attached to the complaint. Additionally, the Defendant highlights that all items in question are handmade in Australia, emphasizing their artisanal and non-commercial nature.

2.Denial of Ongoing Violations: The Defendant denies the allegations made in the second paragraph of the complaint. The Defendant asserts a lack of engagement in any ongoing, daily, or sustained violations of the Plaintiff's trademark rights and copyrights. The Defendant further denies any intent to reproduce, counterfeit, or infringe upon the Plaintiff's trademarks and copyrights with the aim of confusing the consuming public or earning substantial profits. It is also disputed that the Defendant's actions have contributed to the erosion of the Plaintiff's goodwill or destruction thereof. The Defendant underscores the personal and hobbyist nature of the activities, which are not intended for commercial gain or market competition.

3.Denial of Contributory Harm: The Defendant denies the allegations made in the third paragraph of the complaint. The Defendant asserts no engagement in conduct that contributes to the harm alleged by the Plaintiff. The Defendant further denies any involvement in counterfeiting or actions that have led to the Plaintiff's expenditure of resources for trademark and copyright enforcement. The Defendant wishes to reiterate that the items in question, being individually handmade in Australia, reflect a personal hobby and are not part of a larger commercial enterprise or scheme to infringe upon or dilute the Plaintiff's intellectual property rights.

I hereby certify that a copy hereof has been furnished by mail to Plaintiff's attorney this 16th day of August, 2023.

Javier Sobrado, Esq.
THE BRICKELL IP GROUP, PLLC
1101 Brickell Avenue, South Tower, Suite 800
Miami
FL
33131

DATE: 28th December

Submitted by 
X
Shop-Stick-Dat
Queensland Australia
Kyle_7oaks@yahoo.com.au

Sender Shop - Stick-Dat1 Colac ct Coranakaand Postcode 4130Ikunji (Haasts Bluff)/Northern Territory/Australia
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Spears at Ualki 1994

Synthetic polymer paint on paper

Ikunji Arts

Art Gallery of New South Wales, purchased 1994

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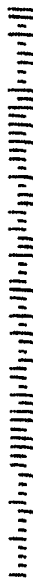
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